## REMARKS

Claims 1-10 and 34 are now pending in the application. Claim 1 is amended herein. Support for the amendment to Claim 1 can be found at least in Figures 1, 2, and 5 of the present application. Claim 2 is amended herein to be an independent form. Claim 34 is added herein. Support for new Claim 34 can be found at least in Figures 1, 2, and 5 of the present application. Claims 3 and 4 are amended herein to correct a typographical error. No new matter is added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### REJECTION UNDER 35 U.S.C. § 102

Claims 1-8 and 10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Shafer (U.S. Publication No. 2004/0166383). Claims 1, 5-8, and 10 stand rejected as being anticipated by Faris et al. (U.S. Publication No. 2004/0048133). These rejections are respectfully traversed.

Claims 1 and 2 are not anticipated by and are patentable over the Shafer reference because the Shafer reference does not disclose a third flow path connecting the outlets of the first and second anode sections. Claims 1 and 2 both call for "a third flow path connecting an outlet of said first anode section to an anode outlet of said second anode section thereby providing flow communication between said first and second anode sections through said outlets." In contrast to this subject matter, the Shafer reference discloses flow paths that interconnect an anode outlet of one fuel cell stack with an anode inlet of a second downstream fuel cell stack. For example, as

shown in Figure 2 of Shafer, flow path 114 connects anode outlet 112 of fuel cell stack 80 with the anode inlet 106 of fuel cell stack 82. Similarly, flow paths 118, 122, and 126 also interconnect an anode outlet of one fuel cell stack with the anode inlet of a downstream fuel cell stack. Anode inlets are not anode outlets. Thus, flow paths 114, 118, 122, and 126 of the Shafer reference are not a third flow path that connects the outlets of the first and second anode sections thereby providing flow communication between the first and second anode sections through the outlets as called for in claims 1 and 2. Furthermore, applicant can find no equivalent to the third flow path called for in claims 1 and 2 in any of the embodiments disclosed in the Shafer reference.

With the Shafer reference failing to disclose a third flow path as called in claims 1 and 2, it is respectfully submitted that claims 1 and 2 are not anticipated by and are patentable over the Shafer reference. If the Examiner wishes to maintain the rejection based upon the Shafer reference, the Examiner respectfully requested to point out specifically which flow path interconnects the anode outlets of two fuel cell stacks such that the flow path provides flow communication therebetween. Absent such a showing, allowance of claims 1 and 2 is requested. Claims 3-8 and 10 all depend from one of claims 1 and 2 and, therefore, at least the same reason as stated above with reference to claims 1 and 2 are also not anticipated by and are patentable over the Shafer reference. Thus, withdraw the instant rejection as requested.

Claims 1 and 2 are not anticipated by and are patentable over the Faris et al. reference because the Faris et al. reference fails to disclose cathode and anode sections that are operable to convert an oxidant-containing cathode reactant and a hydrogen-containing anode reactant into electricity, a cathode affluent and an anode

effluent, does not disclose a third valve communicating with a third flow path and operable to modulate venting of the anode effluent from the third flow path and not impending communication between the outlets of the first and second anode sections through the third flow path regardless of an operational state of the third valve, and does not disclose a fourth flow path operable to supply a third anode reactant feed stream to the third flow path as called for in one of claims 1 and 2. Claims 1 and 2 both call for a "wherein said at least one cathode section and said at least two anode sections are operable to convert an oxidant-containing cathode reactant and a hydrogen-containing anode reactant into electricity, a cathode effluent and an anode effluent." In contrast, the Faris et al. reference discloses metal/air batteries that utilize a metal paste as an anode reactant. See at least paragraphs [0038], [0044], [0045], [0048], and [0055] of the Faris et al. reference. A metal paste anode reactant is not a hydrogen-containing anode reactant as called for in claims 1 and 2. Thus, for at least this reason it is respectfully submitted that claims 1 and 2 are not anticipated by and are patentable over the Faris et al. reference. Claims 5-8 and 9 all depend from claim 1 and, therefore, for at least the same reasons stated above with reference to claim 1 are also not anticipated by and are patentable over the Faris et al. reference. Thus, withdrawal the instant rejection is requested.

Additionally, claim 1 calls for "a third flow path connecting an outlet of said first anode section to an outlet of said second anode section thereby providing flow communication between said first and second anode sections . . . a third valve communicating with said third flow path and operable to modulate venting of anode effluent from said third flow path, said third valve not impending flow communication

between said outlets of said first and second anode sections through said third flow path regardless of an operational state of said third valve." In contrast, the Faris et al. reference discloses a flow path 50 that interconnects the outlets of cell elements 48. The outlet of each cell element 48 communicates with flow path 50 through a valve 52. In the office action, the Examiner equates flow path 50 and valves 52 with the third flow path and the third valve called for in claim 1. Operation of valves 52, however, can impede the flow communication between the outlets of cell elements 48 through flow path 50. That is, when a valve 52 is closed and/or partially open, the flow communication is impeded. Thus, for at least this additional reason it is respectfully submitted that claim 1 is not anticipated by and is patentable over the Faris et al. reference. Claims 5-8 and 10 all depend from claim1 and, therefore, for at least this same additional reason related to claim 1, are also patentable over the Faris et al. reference. Thus, withdrawal of the instant rejection is requested.

Moreover, claim 2 calls for "a fourth flow path operable to supply a third anode reactant feed stream to said third flow path; and a fourth valve in said fourth flow path operable to modulate flow through said fourth flow path." In contrast, the Faris et al. reference does not appear to disclose such a fourth flow path with a fourth flow valve therein. Rather, the Faris et al. reference discloses a third flow path 50 that communicates with a pump 42(a). There does not appear to be any disclosure of a fourth flow path communicating with flow path 50 which is operable to supply a third anode reactant feed stream to flow path 50 as called for in claim 2. Additionally, there does not appear to be any type of valve in the nonexistent fourth flow path which is operable to modulate flow through the fourth flow path as called for in claim 2. Thus, for

at least this additional reason it is respectfully submitted that claim 2 is not anticipated by and is patentable over the Faris et al. reference. Accordingly, withdrawal of the instant rejection is requested.

**REJECTION UNDER 35 U.S.C. § 103**

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Schafer. Claim 9 also stands rejected over Faris et al. These rejections are respectfully traversed. Notwithstanding, claim 9 depends from claim 1 which is patentable over the Shafer and Faris et al. references for at least the reasons as stated above. Thus, for at least the same reasons as stated above in reference to claim 1, it is respectfully submitted that claim 9 is nonobvious and patentable over the Shafer and Faris et al. references. Thus, withdrawal of the instant rejection is requested.

**NEW CLAIM**

Claim 34 is added herein. It is respectfully submitted that claim 34 further defines patentable subject matter. Thus, allowance of claim 34 is requested.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is

believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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